

American Indian Law Review

Volume 14 | Number 1

1-1-1988

Front Matter (Administration & Faculty Listing, Masthead, Table of Contents, and In Memoriam Joseph F. Rarick)

Follow this and additional works at: <https://digitalcommons.law.ou.edu/ailr>

Recommended Citation

Front Matter (Administration & Faculty Listing, Masthead, Table of Contents, and In Memoriam Joseph F. Rarick), 14 AM. INDIAN L. REV. (1988),
<https://digitalcommons.law.ou.edu/ailr/vol14/iss1/1>

This Front Matter is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian Law Review by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

Volume XIV, Number 1

AMERICAN INDIAN *Law Review*



**LAW LIBRARY
UNIVERSITY OF OKLAHOMA**

THE UNIVERSITY OF OKLAHOMA
COLLEGE OF LAW
ADMINISTRATION

Keith N. Bystrom, B.S., J.D., *Acting Dean, Acting Director, Law Center, and Professor of Law.*

Robert B. Smith, A.B., J.D., *Acting Associate Dean, Acting Associate Director, Law Center; Director, Legal Research and Writing, and Associate Professor.*

Theodore P. Roberts, B.S., J.D., *Director of Clinical Legal Education and Professor of Law.*

William R. Watson, B.G.S., J.D., *Director of Continuing Legal Education.*

Annette H. Prince, B.A., J.D., *Director, Legal Assistant Education.*

Michal W. Gray, B.A., *Assistant Director, Law Center, for Finance and Administration.*

Sue T. Velie, A.B., M.A., *Assistant Director, Law Center, for External Relations and Placement.*

Lee Shahan, B.A., M.A., *Assistant Director, Law Center, for Law Student Services.*

Mickie R. Voges, B.A., M.L.S., J.D., *Director of the Law Library and Associate Professor of Law.*

Jeanne L. Crabtree, *Editorial Adviser for the Law Reviews.*

FACULTY

Jerry L. Anderson, B.S., J.D., *Assistant Professor of Law.*

Keith Bystrom, B.S., J.D., *Acting Dean, Acting Director, Law Center, and Professor of Law.*

Frank Elkouri, B.A., LL.B., LL.M., S.J.D., *George Lynn Cross Research Professor of Law Emeritus.*

Jonathan B. Forman, B.A., M.A., J.D., *Associate Professor of Law.*

Teree E. Foster, B.A., J.D., *Professor of Law (on leave fall, 1988, spring, 1989).*

George B. Fraser, A.B., J.D., LL.M., *David Ross Boyd Professor of Law Emeritus.*

Robert A. Friedlander, B.A., M.A., Ph.D., J.D., *Adjunct Professor of Law.*

Daniel George Gibbens, B.A., J.D., LL.M., *Regents' Professor of Law.*

Mark R. Gillett, B.A., J.D., LL.M., *Associate Professor of Law.*

Alvin C. Harrell, B.S., J.D., M.B.A., *Adjunct Professor of Law.*

Richard W. Hemingway, B.S., J.D., LL.M., *Eugene O. Kuntz Professor of Law.*

Anita F. Hill, B.S., J.D., *Assistant Professor of Law.*

Drew L. Kershner, B.A., J.D., LL.M., *Professor of Law, and Associates Distinguished Lecturer.*

Eugene O. Kuntz, A.B., J.D., LL.M., *Dean Emeritus, George Lynn Cross Research Professor of Law Emeritus and Alfred P. Murrah Professor of Law Emeritus.*

Peter B. Kutner, B.A., J.D., *Professor of Law.*

Bobbie Lee, B.S., M.S.W., J.D., *Adjunct Assistant Professor of Law.*

Joseph C. Long, A.B., J.D., LL.M., *Professor of Law.*

William J. McNichols, A.B., J.D., *Professor of Law, and Associates Distinguished Lecturer.*

Judith L. Maute, A.B., J.D., LL.M., *Associate Professor of Law.*

Fred H. Miller, A.B., J.D., *Professor of Law.*

Elmer M. Million, A.B., LL.B., J.S.D., *Professor of Law Emeritus.*

Dennis A. Olson, B.A., J.D., *Adjunct Assistant Professor of Law.*

Marian P. Opala, B.S., J.D., LL.M., *Justice, Oklahoma Supreme Court, Adjunct Professor of Law.*

Joyce D. Palomar, B.S., M.A., J.D., *Associate Professor of Law.*

Jerry R. Parkinson, B.S., J.D., M.P.A., *Assistant Professor of Law.*

Elbridge D. Phelps, A.B., J.D., S.J.D., *David Ross Boyd Professor of Law Emeritus.*

Joseph Francis Rarick, B.A., J.D., LL.M., Jur. Sc. D., *David Ross Boyd Professor of Law and Alfred P. Murrah Professor of Law.*

Osborne M. Reynolds, B.A., J.D., LL.M., S.J.D., *Professor of Law, and Associates Distinguished Lecturer.*

Robert E.I. Richardson, B.A., J.D., LL.M., *Director of the Center for Criminal Justice and Professor of Law.*

Theodore P. Roberts, B.S., J.D., *Director of Clinical Legal Education and Professor of Law.*

William A. Roberts, B.A., J.D., LL.M., *Adjunct Professor of Law.*

Kevin W. Saunders, A.B., M.S., M.A., Ph.D., J.D., *Associate Professor of Law.*

Robert B. Smith, A.B., J.D., *Acting Associate Dean, Acting Associate Director, Law Center; Director, Legal Research and Writing, and Associate Professor of Law.*

Robert G. Spector, B.S., J.D., *Professor of Law.*

David Swank, B.A., J.D., *Interim President of the University of Oklahoma, and Professor of Law.*

Harry F. Tepker, Jr., B.A., J.D., *Professor of Law (on leave fall 1988, spring 1989).*

Rollin Dale Vliet, A.B., LL.B., LL.M., S.J.D., *David Ross Boyd Professor of Law Emeritus.*

Mickie R. Voges, B.A., M.L.S., J.D., *Director of the Law Library and Associate Professor of Law.*

Leo Howard Whinery, A.B., LL.B., LL.M., *Professor of Law.*

Shirley A. Wiegand, B.A., M.A., J.D., *Associate Professor of Law.*

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made for classroom or similar educational usage, provided that (1) copies are distributed at or below cost, (2) author, journal, date, and page are identified, (3) proper notice of copyright is affixed to each copy, and (4) *American Indian Law Review* is notified of intended usage. In all other cases of proposed reproduction, the *American Indian Law Review* must be contacted for procedural requirements.

The *American Indian Law Review* ISSN 0030-1752 is edited and compiled at the College of Law, University of Oklahoma, Norman, Oklahoma 73019. Published semiannually, it is printed by Western Newspaper Publishing Co., Inc., Copyright 1988 by the *American Indian Law Review*. Member, National Conference of Law Reviews.

Subscription rate is \$10.00 per year. Subscriptions are continued unless notice of discontinuance is received. All prices are subject to change without notice. Address subscriptions and requests for advertising rates to Agent, American Indian Law Review, Room 335, College of Law, 300 Timberdell Road, Norman, Oklahoma 73019.

Correspondence concerning contributions, books for review, and all editorial matters should be addressed to the Editor-in-Chief, American Indian Law Review, College of Law, 300 Timberdell Road, Norman, Oklahoma 73019.

Contributors are asked to submit manuscripts on plain bond paper, typed double-spaced, quoted materials clearly indicated, and with all footnotes typed double-spaced separately from the text. Single-spaced typing is unacceptable. Please follow the *Chicago Manual of Style* for text and *A Uniform System of Citation* for legal sources.

AMERICAN INDIAN LAW REVIEW

M. Allen Core
Kennis M. Bellmard II
Editors-in-Chief

Cynthia Ann Hines
Jeffrey R. Chaffee
Managing Editors

Jeanine Logan
M. P. Ludlum
Article Editors

Sean McFarland
Isaac Diel
Assistant Managing Editors

William I. Heydman
Mark Dobbs
Note Editors

Maria M. Laverde
Jo Hartwick
*Federal Recent Development
Editors*

Donovan (Tex) Brown
Writing Competition Editor

STAFF

Tom Batson
Kevin Bennett
Craig Carpenter
Michael Collins
Dan Connally
Warren Henson
Shari L. Heyen
Johnnye L. Friedrich
Robert E. Jones
Lupe Leupolu
Stan F. Massad

Patricia A. Matthews
Chris Maxie
Lesley Moore
John L. Myles
Stanton Riggs
Mark Samara
Melissa S. Self
Holly D. Shupert
Joe J. Struckle
Chris Wendelbo
Debra Whitehouse

Jay Williams

ANNOUNCEMENT

We have purchased the
entire back stock and
reprint rights of —

AMERICAN INDIAN LAW REVIEW

Complete sets to date
are now available. We
can also furnish single
volumes and issues.

WILLIAM S. HEIN CO., INC.
1285 Main Street
Buffalo, New York 14209

CONTENTS

ARTICLES

- An Argument for Indian Status for Native Hawaiians—The
Discovery of a Lost Tribe
Richard H. Houghton III 1
- Indians Against Immigrants—Old Rivals, New Rules: A Brief
Review and Comparison of Indian Law in the Contiguous
United States, Alaska, and Canada
James E. Torgerson 57
- Indian Lands: Financing Indian Agriculture: Mortgaged
Indian Lands and the Federal Trust Responsibility
John Fredericks III 105
- FEDERAL RECENT DEVELOPMENTS 135

IN MEMORIAM

JOSEPH F. RARICK, 1921-1989

This issue of the *American Indian Law Review* is dedicated to our sponsor, Dr. Joseph F. Rarick, who died January 14, 1989. The list of Dr. Rarick's accomplishments and honors is long and distinguished. During World War II he served in Patton's Third Army. Dr. Rarick received his bachelor's degree with highest honors in political science from the University of Illinois in 1943 and his Juris Doctor in 1948, also from the University of Illinois. He received his master of law in 1949 and his doctor of science of law in 1956, both from Columbia.

Dr. Rarick came to the University of Oklahoma College of Law in 1953. In 1967 he was named a David Ross Boyd Professor and an Alfred P. Murrah Professor in 1984. Dr. Rarick was acknowledged as the leading Oklahoma authority on Water Law and was designated by the state legislature as Oklahoma's "Father of Water Law." Dr. Rarick began his long association with the *American Indian Law Review* in 1977 as its faculty adviser. From 1980 until the time of his death he was the faculty sponsor of the *American Indian Law Review*.

Dr. Rarick, or "Roaring Joe" as he was affectionately known to his colleagues and students, was one of those rare individuals who was able to take on ten different projects at once and manage to get them all done. Despite the hectic pace he maintained he always found time to explain to a perplexed first-year Property student the significance of the year 1066, and to debate the ramifications of the foreclosure of mortgages of Indian lands under the authority of state courts with his third-year Indian Land Titles students.

Forever etched in the memories of hundreds of students who have passed through the doors of the University of Oklahoma College of Law will be the first time we saw him. For some it may have been in the Library where our investigation of a mysterious clanging noise led us to a man resplendent in a white jumpsuit bedecked with silver Indian jewelry, researching assiduously. For others it may have been when we saw him riding his Moped up to the Law Center or when we peeked into his classroom to see where all the noise was coming from.

Those of us who were fortunate enough to have taken one of his classes will not forget his intense respect and love of the Law that he projected during his lectures. We who have been lucky enough to have served under his guidance as staff members of this *Review* will always remember him as a champion of those ideals we have endeavored to promote.

With the passing of Dr. Rarick the profession he so greatly enriched has lost one of its giants, and we who had the opportunity to learn from him have lost a teacher and a friend. It is with great humility that we dedicate this issue of the *American Indian Law Review* to the memory of Dr. Joseph F. Rarick. We will miss him.

Kennis M. Bellmard II
Editor-in-Chief